

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
GLENDALE RESOURCE AREA

**Categorical Exclusion Determination and Decision Record
for Right-of-Way Grant to be Issued
Under Title V of the Federal Land Policy and Management Act
(Case Serial No. OR 65169)
CE-OR-118-08-004**

Mt. Reuben Wildfire Detection Tower Installation

Description of Proposed Action

The proposed action is the issuance of right-of-way grant to the Oregon Department of Forestry (ODF), under the provisions of 43 CFR Part 2800, and Title V of P.L. 94-579; 90 Stat 2743. This has been serialized as case No. OR 65169.

The requested period of use is for a term of 30 years.

The proposed federal action is to grant the Oregon Department of Forestry (ODF) permission to erect and maintain an 85 foot steel tower on Mt. Reuben. A camera would be mounted on the tower for fire detection.

Historically Mt. Reuben was used as a fire lookout site by ODF in an agreement (100.5a) with the BLM, dated May 11, 1962. The original lookout was condemned and torn down in the mid 1970s.

The tower site would occupy a 15 ft. x 15 ft. space constructed out of concrete, embedded with steel. A chain link fence would be erected around the tower site to keep people off the tower and prevent vandalism. The fence enclosure would be approximately 25 ft. x 25 ft. A solar panel and a bank of batteries contained in a small steel box would also be placed within the fence enclosure. There is an existing road grade leading to the site that has been brushed over and is approximately 3,100 feet in length. This road grade is not currently maintained but would be brushed, graded and maintained for future access. The road would then be added to the Glendale transportation system and designated as a Level 2 road and to be maintained by ODF. A gate would be installed and maintained by ODF at the entrance of this system road to prevent vandalism of the equipment on the site.

Since the removal of the Mt. Reuben lookout, there has been limited fire detection in the north end of the ODF Grants Pass District. The proposed camera fire detection site on Mt. Reuben would greatly enhance the ability to detect wildfires.

T. 33 S., R. 8 W., Sec. 12, SE NW.

BLM Roads to be Included in Right-of-Way			
BLM Road/Segment No.	Seg. Length	Length to be Used	Present Surface Type
33-8-12.0	3,100 ft	3,100 ft	rock

The affected roads and/or lands are located in Josephine County on BLM lands administered by the Glendale Resource Area. The proposed right-of-way location is shown on the attached map.

Plan Conformance Review

This proposal is consistent with policy directed by the following:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994)
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004)
- *Supplement to the 2006 Draft Supplement to the 2004 Final Supplemental Environmental Impact Statement and Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guideline* (FSEIS, 2007 and ROD, 2007).
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

The proposed action also complies with the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

Categorical Exclusion Determination

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 2.3A (2), Appendix 1.7, 516 DM 11.9 E (13); 516 DM 11.9 J (8); and 516 DM 11.9 G (2).

Appendix 1.7 – *Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity.*

11.9 E (13) – *Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside of the right-of-way boundary.*

11.9 J (8) – *Installation of minor devices to protect human life (e.g. grates across mines).*

11.9 G (2) – *Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.*

Before any action described in the list of categorical exclusions may be used, the "extraordinary circumstances," included in 516 DM 2, Appendix 2, must be reviewed for applicability (See attached review). After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact Michelle Calvert, Project Leader, at (541) 471-6505.

Michelle Calvert

Prepared by

4/3/08

Date

Decision

It is my decision to authorize right-of-way grant serial No. OR 65169 as described in the Proposed Action. The project is planned for implementation spring of 2008.

Decision Rationale

The proposed action has been reviewed by the Glendale Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.



Katrina Symons, Field Manager
Glendale Resource Area

4/3/08
Date

EFFECTIVE DATE OF DECISION

This is a land decision on a right-of-way application. All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal (See 43 CFR § 2801.10) unless the Secretary rules otherwise. Rights-of-Way decisions that remain in effect pending an appeal are considered as "in full force and effective immediately" upon issuance of a decision. Thus, this decision is now in effect.

RIGHT OF APPEAL

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a "party to the case." (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after publication of this decision on the Medford District Bureau of Land Management website at <http://www.blm.gov/or/districts/medford/index.php>. Only signed hard copies of a notice of appeal that are delivered to the Grants Pass Interagency Office will be accepted. Faxed or emailed appeals will not be considered.

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor and Oregon Department of Forestry (ODF) at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations. 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

CONTACT INFORMATION

For additional information contact Katrina Symons, Glendale Resource Area Field Manager, 2164 NE Spalding Ave, Grants Pass, OR 97526; 541-471-6653, or Michelle Calvert, Environmental Planner at 541-471-6505. Additional contact addresses include:

- U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203
- Regional Solicitor
Pacific Northwest Region, U.S. Department of the Interior
500 N.E. Multnomah Street, Suite 607, Portland, Oregon 97232
- Oregon Department of Forestry
2600 State Street
Salem, OR 97310

NEPA Categorical Exclusion Review

Proposed Action:

Department of the Interior Manual 516 DM 2, Appendix 2 provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

1. *Have significant impacts on public health or safety.*

Yes No

() Remarks: The proposed tower would be enclosed with a fence to prevent the public gaining access to climb the tower and discourage vandalism of the site.

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*

Yes No

() Remarks: The proposed tower site would be erected on a previously disturbed fire lookout site. The lookout tower has been removed. No significant impacts were identified by Glendale Resource Area natural resource specialists.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

() Remarks: The Oregon Department of Forestry proposed to place a gate at the entrance of the road leading to the tower site. Installing a gate on this road would reduce vehicle road access by approximately 3,100 feet and to Mt. Reuben. Josephine County has objected to closing existing roads.

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

() Remarks: There are no environmental effects or risks that are highly uncertain and potentially significant that have been identified in previous activities similar to the proposal.

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

() Remarks: No potentially significant environmental effects were identified by Glendale Resource Area natural resource specialists.

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

() Remarks: There would be no new ground disturbance other than the areas previously disturbed for road construction and the construction of the lookout tower.

7. *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.*

Yes No

() Remarks: No sites have been identified.

8. *Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.*

Plants Yes No Remarks:

Animals Yes No Remarks:

Fish Yes No Remarks:

() Remarks: The erection of the fire detection tower and camera would have no effect on federally listed wildlife or fishery species. Blading of the existing spur road would not affect T&E fish species since the road is located near a ridge and there is no hydrologic connection to fish bearing streams. Southern Oregon Northern California coho salmon or coho critical habitat (CCH) is not present or adjacent to the proposed installation site since it is located near a ridge.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

() Remarks: The proposed project would not violate federal law such as the Clean Water Act, Endangered Species Act.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

() Remarks: Similar actions have taken place throughout the District and there is no evidence that this type of project would have a disproportionately high and adverse effect on said populations.

11. *Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).*

Yes No

() Remarks: No such sites have been identified within the location of the proposed tower placement.

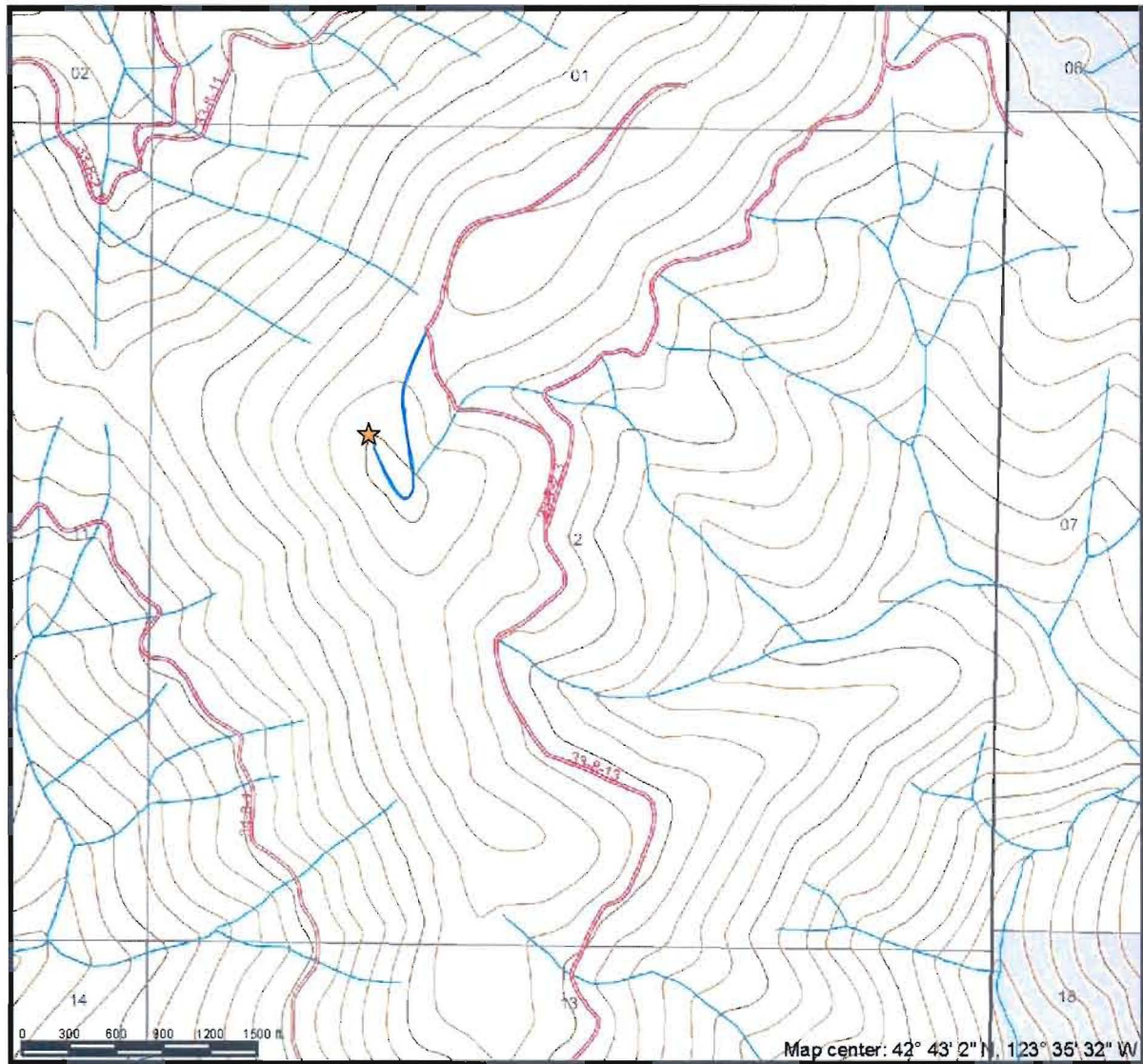
12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).*

Yes No

() Remarks: The proposed activities outlined in this CE would not be responsible for spreading noxious weeds as the proposed construction activities would be limited to the existing footprint of the previous Mt. Reuben lookout tower, traffic would be minimized by a gate installed at the beginning of the access road. Traffic would also be limited to tower maintenance. Botanical surveys were completed in the spring of 2006 and no managed species were found.

Mt. Reuben ODF Site

T33S - R8W Sec12



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|-----------------------------|----------|-------------------------------|
| Forest Operations Inventory | Non BLM | Highways |
| TPCC | Lakes | Roads |
| Township and Range | Streams | Trails |
| Sections | Wetlands | proposed tower site |
| | | road to be brushed and graded |



Internal Use Only



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Bureau of Land Management
Medford District Office
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Medford, OR 97504

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http://web.maps.or.blm.gov/foi_section

Scale 1:12,000
Universal Transverse Mercator
Zone 10, North American Datum of 1983